

# **EXHIBIT 4**

**From:** Kristopher Davis  
**To:** Sim, Charlie  
**Cc:** Robb, Andrew; Jason Wietholter; Marc Fenster; headwater@raklaw.com; \*\*\* GDCVerizon-Headwater; Singh, Tej; Zhang, Yi; Crowson, Celine J.  
**Subject:** Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence  
**Date:** Monday, March 4, 2024 10:42:50 AM

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**[WARNING: External Email]**

Charlie,

As you know, we disagree with the assertion that Headwater's infringement contentions are deficient but are happy to discuss any specific concerns you have. Headwater agrees that the parties should work together throughout the case to narrow issues for trial, and Headwater has attempted to offer compromises on case narrowing to address Defendants' concerns. However, Headwater does not agree to the proposal below and will oppose the motion.

Regards,  
Kris

Kristopher Davis  
**Russ August & Kabat**  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
(310) 826-7474  
kdavis@raklaw.com

On Mar 1, 2024, at 10:40 AM, Sim, Charlie <CSim@gibsondunn.com> wrote:

Kris,

Defendants do not accept Headwater's most recent proposal regarding claim narrowing. Your proposal that discovery should proceed on all claims in this case (with no guidance from Headwater's deficient infringement contentions, as we have previously raised), purportedly "narrowing" to 192 claims only after months of discovery, does not realistically address the concerns Defendants raised in prior correspondence and the parties' February 22 meet and confer

In a final effort to resolve this issue without the need for motion practice, Defendants propose the following schedule for claim narrowing:

- By March 15, 2024, Headwater would serve its First Election of Asserted Claims, identifying no more than 24 asserted claims per patent, and no more than 96 claims across all patents.
- No later than 14 days after Headwater's First Election, Verizon and T-Mobile would each serve a First Election of Prior Art, identifying no more than 12 prior art references against each patent and not more than a total of 40 references across all patents.
- No later than 28 days before the service of opening expert reports, Headwater would serve a Final Election of Asserted Claims, identifying no more than five asserted claims per patent and no more than a total of 16 claims across all patents.
- No later than 28 days after Headwater's Final Election, Verizon and T-Mobile would each serve a Final Election of Prior Art, identifying no more than six asserted prior art references per patent and no more than 20 total references across all patents.

Best,  
Charlie

**Charlie Sim**  
Associate Attorney

T: +1 212.351.6274 | M: +1 607.339.1652  
[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)

**GIBSON DUNN**  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue, New York, NY 10166-0193

---

**From:** Kristopher Davis <[kdavis@raklaw.com](mailto:kdavis@raklaw.com)>  
**Sent:** Thursday, February 22, 2024 5:07 PM  
**To:** Sim, Charlie <[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)>  
**Cc:** Robb, Andrew <[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)>; Jason Wietholter <[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com)>; Marc Fenster <[mfenster@raklaw.com](mailto:mfenster@raklaw.com)>; [headwater@raklaw.com](mailto:headwater@raklaw.com); \*\*\* GDCVerizon-Headwater <[GDCVerizon-Headwater@gibsondunn.com](mailto:GDCVerizon-Headwater@gibsondunn.com)>; Singh, Tej <[tej.singh@hoganlovells.com](mailto:tej.singh@hoganlovells.com)>; Zhang, Yi <[yi.zhang@hoganlovells.com](mailto:yi.zhang@hoganlovells.com)>; Crowson, Celine J. <[celine.crowson@hoganlovells.com](mailto:celine.crowson@hoganlovells.com)>  
**Subject:** Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

**[WARNING: External Email]**

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Charlie,

In a further effort to compromise and address the timing concerns you raised, Headwater is willing to agree to the following mutual narrowing. Please let us know whether you agree.

1. No later than 21 days before the parties' exchange of proposed terms for claim construction (PR 4-1), Headwater would serve its First Election of Asserted Claims, identifying no more than 192 total asserted claims across all patents.
2. No later than 14 days after submission of the parties' Joint Claim Construction Statement, Headwater would serve its Second Election of Asserted Claims, identifying no more than 128 total asserted claims across all patents.
3. No later than 14 days after Headwater's First Election, Verizon/T-Mobile would serve its First Election of Prior Art, identifying no more than 64 total references across all patents.
4. No later than 28 days before the service of opening expert reports, Headwater would serve its Third Election of Asserted Claims, identifying no more than 64 total asserted claims across all patents.
5. No later than 28 days after Headwater's Second Election, Verizon/T-Mobile would serve its Second Election of Prior Art, identifying no more than 32 total references across all patents.

Regards,  
Kris

Kristopher Davis  
**Russ August & Kabat**  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
(310) 826-7474  
[kdavis@raklaw.com](mailto:kdavis@raklaw.com)

On Feb 22, 2024, at 1:14 PM, Sim, Charlie <[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)> wrote:

Counsel,

We write to memorialize the issues discussed on today's lead-and-local conference.

**Supplementation of Contentions.** We reiterated that we intend to seek leave to supplement Verizon's invalidity contentions to align them with T-Mobile's, and further supplement both Verizon's and T-Mobile's contentions to align them with those served by AT&T. We further explained that our planned supplementation will also include some additional evidence and citations in support of our already-disclosed system art theories, related to the Android Operating System. See Exs. A-16 and D-17 to Verizon and T-Mobile's Invalidity Contentions.

We reiterated our previous proposal that the parties agree to mutual supplementation of infringement and invalidity contentions, given that Headwater has already served supplemental infringement contentions against Verizon without seeking leave of Court. Headwater indicated its belief that the Local Rules did not require it to seek leave of Court to supplement its infringement contentions since they were served in response to deficiencies identified by Defendants. As for Headwater's opposition to Defendant's proposed supplementation, when we requested that Headwater identify any prejudice from the supplementation, Headwater identified only the "time that has passed." Headwater agreed to get back to Defendants by tomorrow on whether Headwater will agree to mutual supplementation, or whether the parties are instead at an impasse.

**Claim Narrowing.** We reiterated our concerns from our February 2, 2024 letter and February 13, 2024 meet-and-confer, and specifically reiterated that Headwater's proposal for claim narrowing is insufficient, and Defendants require a substantial reduction in the number of asserted claims occurring well in advance of the start of the claim construction process. Headwater committed to following up with Defendants this afternoon to indicate whether they are able to commit to such narrowing, or whether the parties are at an impasse.

Finally, as to both of the above issues, the parties agreed that this conference satisfied the requirements of Local Rule CV-7(h) as to any future motion practice related to the above issues.

Best,  
Charlie

**Charlie Sim**  
[Associate Attorney](#)

[T: +1 212.351.6274](#) | [M: +1 607.339.1652](#)  
[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)

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200 Park Avenue, New York, NY 10166-0193

---

**From:** Kristopher Davis <[kdavis@raklaw.com](mailto:kdavis@raklaw.com)>  
**Sent:** Tuesday, February 20, 2024 2:38 PM  
**To:** Sim, Charlie <[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)>  
**Cc:** Robb, Andrew <[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)>; Jason Wietholter

<[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com)>; Marc Fenster <[mfenster@raklaw.com](mailto:mfenster@raklaw.com)>;  
[headwater@raklaw.com](mailto:headwater@raklaw.com); \*\*\* GDCVerizon-Headwater <[GDCVerizon-Headwater@gibsondunn.com](mailto:GDCVerizon-Headwater@gibsondunn.com)>; Singh, Tej <[tej.singh@hoganlovells.com](mailto:tej.singh@hoganlovells.com)>; Zhang, Yi  
<[yi.zhang@hoganlovells.com](mailto:yi.zhang@hoganlovells.com)>; Crowson, Celine J. <[celine.crowson@hoganlovells.com](mailto:celine.crowson@hoganlovells.com)>

**Subject:** Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

**[WARNING: External Email]**

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Charlie,

Headwater is available at 11:00 am PT on Thursday.

Regards,  
Kris

Kristopher Davis  
**Russ August & Kabat**  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
(310) 826-7474  
[kdavis@raklaw.com](mailto:kdavis@raklaw.com)

On Feb 20, 2024, at 7:32 AM, Sim, Charlie <[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)> wrote:

Counsel,

We have not heard back from you on our proposal to meet and confer at 11am ET today. Please confirm whether Headwater can be available at 11am ET today within the next fifteen minutes, and we will circulate a dial-in.

Otherwise, please identify specific times on Thursday when Headwater is available for a lead and local meet and confer.

Thanks,  
Charlie

**Charlie Sim**  
Associate Attorney

T: +1 212.351.6274 | M: +1 607.339.1652  
[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)

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---

**From:** Sim, Charlie <[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)>  
**Sent:** Monday, February 19, 2024 5:09 PM  
**To:** Kristopher Davis <[kdavis@raklaw.com](mailto:kdavis@raklaw.com)>; Robb, Andrew  
<[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)>

**Cc:** Jason Wietholter <[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com)>; Marc Fenster <[mfenster@raklaw.com](mailto:mfenster@raklaw.com)>; [headwater@raklaw.com](mailto:headwater@raklaw.com); \*\*\* GDCVerizon-Headwater <[GDCVerizon-Headwater@gibsondunn.com](mailto:GDCVerizon-Headwater@gibsondunn.com)>; Singh, Tej <[tej.singh@hoganlovells.com](mailto:tej.singh@hoganlovells.com)>; Zhang, Yi <[yi.zhang@hoganlovells.com](mailto:yi.zhang@hoganlovells.com)>; Crowson, Celine J. <[celine.crowson@hoganlovells.com](mailto:celine.crowson@hoganlovells.com)>

**Subject:** RE: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

Correction – that should read “tomorrow (February 20<sup>th</sup>).”

Thanks,  
Charlie

**Charlie Sim**  
Associate Attorney

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[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)

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---

**From:** Sim, Charlie  
**Sent:** Monday, February 19, 2024 5:08 PM  
**To:** 'Kristopher Davis' <[kDavis@raklaw.com](mailto:kDavis@raklaw.com)>; Robb, Andrew <[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)>  
**Cc:** Jason Wietholter <[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com)>; Marc Fenster <[mfenster@raklaw.com](mailto:mfenster@raklaw.com)>; [headwater@raklaw.com](mailto:headwater@raklaw.com); \*\*\* GDCVerizon-Headwater <[GDCVerizon-Headwater@gibsondunn.com](mailto:GDCVerizon-Headwater@gibsondunn.com)>; Singh, Tej <[tej.singh@hoganlovells.com](mailto:tej.singh@hoganlovells.com)>; Zhang, Yi <[yi.zhang@hoganlovells.com](mailto:yi.zhang@hoganlovells.com)>; Crowson, Celine J. <[celine.crowson@hoganlovells.com](mailto:celine.crowson@hoganlovells.com)>  
**Subject:** RE: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

Hi Kris,

Defendants are available for a lead and local M&C tomorrow (February 19<sup>th</sup>) at 11am ET. Please let me know if this time works for you, and we can circulate a dial-in.

Thanks,  
Charlie

**Charlie Sim**  
Associate Attorney

[T: +1 212.351.6274](tel:+12123516274) | [M: +1 607.339.1652](tel:+16073391652)  
[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)

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200 Park Avenue, New York, NY 10166-0193

---

**From:** Kristopher Davis <[kDavis@raklaw.com](mailto:kDavis@raklaw.com)>  
**Sent:** Saturday, February 17, 2024 11:48 AM  
**To:** Robb, Andrew <[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)>

**Cc:** Jason Wietholter <[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com)>; Sim, Charlie <[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)>; Marc Fenster <[mfenster@raklaw.com](mailto:mfenster@raklaw.com)>; [headwater@raklaw.com](mailto:headwater@raklaw.com); \*\*\* GDCVerizon-Headwater <[GDCVerizon-Headwater@gibsondunn.com](mailto:GDCVerizon-Headwater@gibsondunn.com)>; Singh, Tej <[tej.singh@hoganlovells.com](mailto:tej.singh@hoganlovells.com)>; Zhang, Yi <[yi.zhang@hoganlovells.com](mailto:yi.zhang@hoganlovells.com)>; Crowson, Celine J. <[celine.crowson@hoganlovells.com](mailto:celine.crowson@hoganlovells.com)>

**Subject:** Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

[WARNING: External Email]

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Andrew,

Please let us know your availability on Tuesday/Thursday (Feb. 20/22) for the M&C.

Regards,  
Kris

Kristopher Davis  
**Russ August & Kabat**  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
(310) 826-7474  
[kdavis@raklaw.com](mailto:kdavis@raklaw.com)

On Feb 16, 2024, at 1:17 PM, Robb, Andrew <[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)> wrote:

Counsel –

You stated on the call that you would, in parallel, find times for a lead-local call to discuss this and the supplementation of invalidity and infringement contentions. We have not heard back from you on that. By COB today, can you please provide Headwater's availability for a lead-local call early next week?

Best regards,  
Andrew

**Andrew Robb**  
*Associate Attorney*

T: +1 650.849.5334 | M: +1 408.960.9187  
[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)

**GIBSON DUNN**  
Gibson, Dunn & Crutcher LLP  
310 University Avenue, Palo Alto, CA 94301-1744

---

**From:** Kristopher Davis <[kdavis@raklaw.com](mailto:kdavis@raklaw.com)>  
**Sent:** Friday, February 16, 2024 1:11 PM

**To:** Robb, Andrew <[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)>  
**Cc:** Jason Wietholter <[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com)>; Sim, Charlie <[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)>; Marc Fenster <[mfenster@raklaw.com](mailto:mfenster@raklaw.com)>; [headwater@raklaw.com](mailto:headwater@raklaw.com); \*\*\* GDCVerizon-Headwater <[GDCVerizon-Headwater@gibsondunn.com](mailto:GDCVerizon-Headwater@gibsondunn.com)>  
**Subject:** Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

**[WARNING: External Email]**

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Andrew,

Please find below Headwater's proposal on asserted claim and prior art narrowing:

1. No later than 14 days after submission of the parties' Joint Claim Construction Statement, Headwater would serve its First Election of Asserted Claims, identifying no more than 128 total asserted claims across all patents.
2. No later than 14 days after Headwater's First Election, Verizon/T-Mobile would serve its First Election of Prior Art, identifying no more than 64 total references across all patents.
3. No later than 28 days before the service of opening expert reports, Headwater would serve its Second Election of Asserted Claims, identifying no more than 64 total asserted claims across all patents.
4. No later than 28 days after Headwater's Second Election, Verizon/T-Mobile would serve its Second Election of Prior Art, identifying no more than 32 total references across all patents.

Regards,  
Kris

Kristopher Davis  
**Russ August & Kabat**  
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(310) 826-7474  
[kdavis@raklaw.com](mailto:kdavis@raklaw.com)

On Feb 13, 2024, at 3:42 PM, Robb, Andrew <[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)> wrote:

Counsel – to confirm, on the call, we stated our position, and you stated you would get back to us this week with a counter-proposal. Given the need to get resolution on this issue promptly, the length

of time it has been outstanding with no substantive proposal from Headwater, and the unlikelihood that the parties will agree, you agreed to check schedules for a lead-local call in parallel. To that end, please let us know when your side is available for a lead-local call this week.

Best regards,  
Andrew

**Andrew Robb**  
[Associate Attorney](#)

[T: +1 650.849.5334](#) | [M: +1 408.960.9187](#)  
[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)

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310 University Avenue, Palo Alto, CA 94301-1744

---

**From:** Robb, Andrew  
**Sent:** Tuesday, February 13, 2024 10:33 AM  
**To:** 'Jason Wietholter' <[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com)>;  
Sim, Charlie <[Csim@gibsondunn.com](mailto:Csim@gibsondunn.com)>  
**Cc:** Marc Fenster <[mfenster@raklaw.com](mailto:mfenster@raklaw.com)>;  
Kristopher Davis <[kdavis@raklaw.com](mailto:kdavis@raklaw.com)>;  
[headwater@raklaw.com](mailto:headwater@raklaw.com); \*\*\* GDCVerizon-  
Headwater <[GDCVerizon-  
Headwater@gibsondunn.com](mailto:GDCVerizon-Headwater@gibsondunn.com)>  
**Subject:** RE: Headwater v. Verizon (23-cv-352) (E.D.  
Tex.) - Correspondence

Counsel –

We can attend at that time. We'll need to use the following dial-in information, instead of the zoom link. We'll update the calendar invitation shortly to reflect that.

Dial-in: 877-420-0272  
Guest code: 6508495334

**Andrew Robb**  
[Associate Attorney](#)

[T: +1 650.849.5334](#) | [M: +1 408.960.9187](#)  
[ARobb@gibsondunn.com](mailto:ARobb@gibsondunn.com)

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---

**From:** Jason Wietholter <[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com)>  
**Sent:** Tuesday, February 13, 2024 9:58 AM

**To:** Sim, Charlie <[Csim@gibsondunn.com](mailto:Csim@gibsondunn.com)>  
**Cc:** Marc Fenster <[mfenster@raklaw.com](mailto:mfenster@raklaw.com)>;  
Kristopher Davis  
<[kdavis@raklaw.com](mailto:kdavis@raklaw.com)>;[headwater@raklaw.com](mailto:headwater@raklaw.com); \*\*\*  
GDCVerizon-Headwater <[GDCVerizon-Headwater@gibsondunn.com](mailto:GDCVerizon-Headwater@gibsondunn.com)>  
**Subject:** Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

**[WARNING: External Email]**

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Thanks for clarifying, Charlie.

A lead and local meet and confer is premature at this point, especially in light of the fact that the parties have already agreed to meet and confer today at 1:30PM PT to discuss claim narrowing. Please confirm that Verizon will be attending the meet and confer today.

Regards,

**Jason Wietholter**

**Russ, August & Kabat**

12424 Wilshire Boulevard, 12th Floor | Los Angeles,  
California 90025

Main +1 310 826 7474 | [jwietholter@raklaw.com](mailto:jwietholter@raklaw.com) |  
[www.raklaw.com](http://www.raklaw.com)

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On Feb 12, 2024, at 6:38 PM, Sim, Charlie <[Csim@gibsondunn.com](mailto:Csim@gibsondunn.com)> wrote:

Apologies for the miscommunication,  
Jason.

We would like to proceed with a lead and local meet and confer. Please indicate the times when Headwater is available this week.

Thanks,  
Charlie

**Charlie Sim**  
Associate Attorney

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607.339.1652  
[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)

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10166-0193

---

**From:** Jason Wietholter  
[<jwietholter@raklaw.com>](mailto:jwietholter@raklaw.com)  
**Sent:** Monday, February 12, 2024 6:08  
PM  
**To:** Sim, Charlie  
[<CSim@gibsondunn.com>](mailto:CSim@gibsondunn.com)  
**Cc:** Marc Fenster  
[<mfenster@raklaw.com>](mailto:mfenster@raklaw.com); Kristopher  
Davis <[kdavis@raklaw.com](mailto:kdavis@raklaw.com)>;  
[<headwater@raklaw.com>](mailto:headwater@raklaw.com); \*\*\*  
GDCVerizon-Headwater <[GDCVerizon-Headwater@gibsondunn.com](mailto:GDCVerizon-Headwater@gibsondunn.com)>  
**Subject:** Re: Headwater v. Verizon (23-cv-352) (E.D. Tex.) - Correspondence

**[WARNING: External Email]**

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Charlie,

Your email from this afternoon is the first indication that you sought a meet and confer with lead and local counsel. We are unable to confirm availability on such short notice.

We will plan on meeting and conferring without lead and local counsel tomorrow at 1:30PM PT as previously agreed.

Thanks,  
**Jason Wietholter**  
**Russ, August & Kabat**  
12424 Wilshire Boulevard, 12th Floor |  
Los Angeles, California 90025  
Main +1 310 826 7474 |  
[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com) |  
[www.raklaw.com](http://www.raklaw.com)

---

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communication may contain information that is legally privileged, confidential or exempt from disclosure, and is intended only for the named addressee(s). If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is prohibited.

On Feb 12, 2024, at  
1:57 PM, Sim, Charlie  
[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)  
> wrote:

Thank you Jason,

Lead and local counsel for  
Verizon and T-Mobile are  
available tomorrow at  
1:30pm PT. We will  
circulate a dial-in  
momentarily.

Please confirm that lead  
and local counsel for  
Headwater will be on for  
that conference.

Thanks,  
Charlie

**Charlie Sim**  
Associate Attorney

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+1 607.339.1652  
[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)

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LLP  
200 Park Avenue, New  
York, NY 10166-0193

---

**From:** Jason Wietholter  
[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com)  
>  
**Sent:** Friday, February 9,  
2024 5:08 PM  
**To:** Sim, Charlie

<[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)>  
**Cc:** Marc Fenster  
<[mfenster@raklaw.com](mailto:mfenster@raklaw.com)>;  
Kristopher Davis  
<[kdavis@raklaw.com](mailto:kdavis@raklaw.com)>;  
[headwater@raklaw.com](mailto:headwater@raklaw.com);  
\*\*\* GDCVerizon-  
Headwater <[GDCVerizon-  
Headwater@gibsondunn.  
com](mailto:GDCVerizon-Headwater@gibsondunn.com)>  
**Subject:** Re: Headwater v.  
Verizon (23-cv-352) (E.D.  
Tex.) - Correspondence

**[WARNING: External Email]**

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Charlie,

We are available to meet  
and confer on Tuesday at  
10AM PT or 1:30PM PT.  
Please let us know which  
of those times work for  
you and circulate a dial in.

Regards,  
**Jason Wietholter**  
**Russ, August & Kabat**  
12424 Wilshire  
Boulevard, 12th Floor |  
Los Angeles, California  
90025  
Main +1 310 826 7474 |  
[jwietholter@raklaw.com](mailto:jwietholter@raklaw.com)  
| [www.raklaw.com](http://www.raklaw.com)

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-  
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modify any right,  
obligation or liability, or  
be construed to contain  
or be an electronic  
signature. This  
communication may  
contain information that  
is legally privileged,  
confidential or exempt  
from disclosure, and is  
intended only for the  
named addressee(s). If  
you are not the intended  
recipient, please note

that any dissemination,  
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On Feb 9,  
2024, at  
2:16 PM,  
Sim, Charlie  
<[CSim@gibs.com](mailto:CSim@gibs.com)  
> wrote:

Counsel,

Following up  
on the  
below  
correspondence  
from  
Verizon, and  
the similar  
correspondence  
on  
behalf of T-  
Mobile.

Headwater  
continues to  
refuse to  
engage in  
meaningful  
narrowing of  
the asserted  
claims.  
Verizon and  
T-Mobile  
both raised  
this issue  
months ago  
during  
negotiation  
of the  
Docket  
Control  
Orders in  
their  
respective

litigations, explained the undue burden of litigating hundreds of asserted claims, and proposed a timely narrowing of the asserted claims by November. Headwater rejected our proposal as “premature.” In letters served on February 2, 2024, on behalf of Verizon and T-Mobile, we again requested that Headwater commit to meaningful narrowing of its nearly three-hundred asserted claims, and proposed a reasonable schedule for doing so.

The need for meaningful narrowing of the asserted claims is urgent—Headwater’s refusal to even discuss this issue continues to

prejudice  
Verizon and  
T-Mobile in  
the  
preparation  
of their  
defenses.

Please  
indicate  
times early  
next week  
when  
Headwater  
is available  
to meet and  
confer  
regarding  
our proposal  
for claim  
narrowing  
(and a  
commensur  
ate  
narrowing of  
asserted  
prior art). If  
we cannot  
reach  
agreement  
on claim  
narrowing,  
we intend to  
seek relief  
from the  
Court.

Best,  
Charlie

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Associate  
Attorney

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4 | M: +1  
607.339.165  
2  
CSim@gibsondunn.com

**GIBSON**  
**DUNN**  
Gibson,

Dunn &  
Crutcher  
LLP  
200 Park  
Avenue,  
New York,  
NY 10166-  
0193

---

**From:** Sim,  
Charlie  
<[CSim@gibsondunn.com](mailto:CSim@gibsondunn.com)>

**Sent:** Friday,  
February 2,  
2024 9:06  
AM

**To:** Marc  
Fenster  
<[mfenster@raklaw.com](mailto:mfenster@raklaw.com)>  
; Kristopher  
Davis  
<[kdavis@raklaw.com](mailto:kdavis@raklaw.com)>;  
[headwater@raklaw.com](mailto:headwater@raklaw.com)

**Cc:** \*\*\*  
GDCVerizon-  
Headwater  
<[GDCVerizon-Headwater@gibsondunn.com](mailto:GDCVerizon-Headwater@gibsondunn.com)>

**Subject:**  
Headwater  
v. Verizon  
(23-cv-352)  
(E.D. Tex.) -  
Correspond  
ence

Counsel,

Please see  
the attached  
corresponde  
nce on  
behalf of  
Verizon.

Charlie

**Charlie Sim**  
Associate  
Attorney

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